



SEP 28 2007

Leaford Bearskin, Chief
Wyandotte Nation
P.O. Box 250
Wyandotte, OK 74370

Re: Wyandotte Nation Gaming Ordinance

Dear Chief Bearskin,

As you are aware, on July 6, 2006, the United States District Court for the District of Kansas overturned that part of a National Indian Gaming Commission (NIGC or Commission) Final Decision which disapproved the Tribe's Amended Gaming Ordinance on the basis that the Shriner Tract, a parcel of land owned by the Wyandotte Tribe (Tribe), did not qualify for gaming under the settlement of a land claim exception to the general prohibition on gaming on lands acquired in trust after October 17, 1988. The District Court remanded the decision to the NIGC. Consistent with the District Court's decision, we hereby approve the Amended Gaming Ordinance.

This case began when the Tribe submitted an Amended Gaming Ordinance to the NIGC Chairman which specifically named the Shriner Tract as land upon which the Tribe intended to game. The Tribe argued that the Shriner Tract met three of the exceptions to the Indian Gaming Regulatory Act's general prohibition of gaming on lands acquired in trust after October 17, 1988: the restored lands exception, the last reservation exception, and the settlement of a land claim exception.

The NIGC Office of General Counsel (OGC) issued an opinion which found the land did not qualify for gaming under those exceptions. On September 19, 2004, the Commission issued its Final Decision which agreed with the OGC opinion and denied the Tribe's request for approval of its Amended Gaming Ordinance.

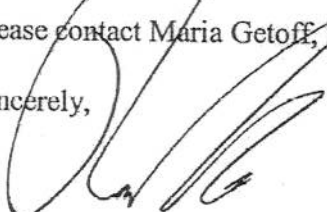
The Tribe then filed suit in federal court challenging the Final Decision. The District Court affirmed the Final Decision with respect to the restored lands and last reservation exception, but overturned the Final Decision with respect to the settlement of a land claim exception. The Court found the Shriner Tract did meet this exception. The Court remanded the case to the NIGC for further proceedings consistent with the Court's opinion.

Pursuant to the remand, and in light of the District Court's ruling, the appropriate course of action is approval of the previously disapproved Amended Gaming Ordinance. Therefore, this letter serves as approval of the Amended Gaming Ordinance.

Further, we note that in the not-too-distant future a ruling from the Tenth Circuit Court of Appeals in Governor of the State of Kansas v. Dick Kempthorne, 430 F. Supp. 2d 1204 (D. Kan. 2006) *appeal docketed*, No. 06-3213 (10th Cir. June 6, 2006), may further favorably resolve any remaining issues which have long challenged the Wyandotte Nation's efforts to clarify their rights to conduct gaming on the parcel of tribal land described in the Ordinance I am hereby approving.

Please contact Maria Getoff, NIGC staff attorney, if you have any questions.

Sincerely,



Philip N. Hogen
Chairman

cc: Conly J. Schulte, Esq.
Fredericks & Peebles LLP
3610 North 163rd Plaza
Omaha, NE 68116

Leaford Bearskin
Chief

P.O. Box 250
Wyandotte, OK 74370
Phone (918) 678-2297/98
Fax (918) 678-2944



Earlene Roskob
2nd Chief

825 North 7th Street
Kansas City, KS 66101
(913) 321-8107
(913) 321-8158 Fax

JUL 15 2004

RESOLUTION 040709

A RESOLUTION AMENDING SECTION 2 (DEFINITIONS) OF THE GAMING ORDINANCE OF 1994 TO ADD A DEFINITION FOR "INDIAN COUNTRY" THAT INCLUDES THE SHRINER'S PROPERTY IN KANSAS CITY, KANSAS AS PROPERTY ON WHICH THE WYANDOTTE NATION IS AUTHORIZED TO CONDUCT GAMING

- WHEREAS:** The Wyandotte Nation is a federally-recognized Indian Tribe, organized pursuant to the Thomas-Rogers Oklahoma Indian Welfare Act (Act of June 26, 1936, 49 Stat. 1967), and has a Constitution approved by the Secretary of Interior; and
- WHEREAS:** Article 7, Section 2 (a) of the Wyandotte Constitution confers upon the Board of Directors the authority "to transact business and otherwise speak or act on behalf of the Nation in all matters on which the Nation is empowered to act now or in the future"; and
- WHEREAS:** On March 15, 1994, the Wyandotte Nation submitted a proposed Gaming Ordinance to the National Indian Gaming Commission; and
- WHEREAS:** On June 29, 1994, the National Indian Gaming Commission approved the Gaming Ordinance of the Wyandotte Nation; and
- WHEREAS:** Section 4 (b) of the Gaming Ordinance of 1994 authorizes the Wyandotte Nation to conduct gaming on "Indian Country" but the ordinance does not contain a definition of Indian Country.
- WHEREAS:** In 1996, the Wyandotte Nation obtained title to a tract of land in Kansas City, Kansas over which the Nation has jurisdiction and desires that the Gaming Ordinance of 1994 specifically provide that the Kansas City, Kansas tract of land is included in the definition of Indian Country over which the Nation has a right to conduct gaming as provided in Section 4(b) of the Gaming Ordinance of 1994; and
- WHEREAS:** The Wyandotte Nation hereby amends Section 2 (Definitions) of the Gaming Ordinance of 1994 to add a new definition to be numbered as 2 (q) and to read as follows:

"Indian Country" means all tribal trust and reservation lands, dependent Indian communities and trust allotments, as defined in 18 U.S.C.A. § 1161, over which

the Wyandotte Nation has jurisdiction, and all Wyandotte Indian Lands as that term is defined in 25 U.S.C. § 2703(4), including, but not limited to, the following:

A tract of land in the Northwest Quarter of Section 10, Township 11, Range 25 in Kansas City, Wyandotte County, Kansas, described as follows: Beginning at the Southwest corner of Huron Place, as shown on the recorded Plat of Wyandotte City, in Kansas City, Kansas, thence North 150 feet; thence East 150 feet; thence South 150 feet; thence West 150 feet to the point of beginning, meaning and intending to describe a tract of land 150 feet square in the Southwest corner of Huron Place as shown on the recorded Plat of Wyandotte City, which is marked "Church Lot" thereon,

commonly referred to as the Shriner's Property.

and

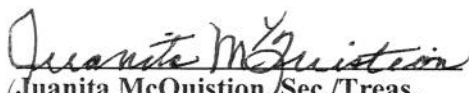
WHEREAS: Pursuant to 25 U.S.C.A. §2710, the proposed change shall not become effective until reviewed and approved by the National Indian Gaming Commission.

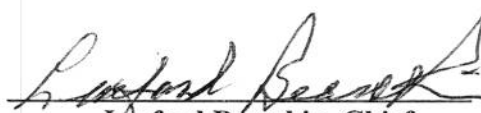
NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Wyandotte Nation hereby amends Section 2(Definitions) of the Gaming Ordinance of 1994 to add a new section to be numbered as 2 (q) for the insertion of the definition of "Indian Country" and that the definition of "Indian Country" shall include the Shriner's Property in Kansas City, Kansas upon which the Nation is granted authority to conduct gaming under Section 4 (b) of the Gaming Ordinance of 1994; and

BE IT FURTHER RESOLVED that Leaford Bearskin, Chief of the Wyandotte Nation, is authorized to submit this Ordinance to the National Indian Gaming Commission for review and approval pursuant to 25 U.S.C.A. §2710.

CERTIFICATION

The foregoing ordinance was duly adopted on the 9th Day of July, 2004, in a special session of the Board of Directors of the Wyandotte Nation meeting, at which a quorum was declared, by a vote of 5 yes and 0 no with 0 abstentions.


Juanita McQuiston, Sec./Treas.
Wyandotte Nation


Leaford Bearskin, Chief
Wyandotte Nation

